

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
LUFKIN DIVISION**

**ALICE J. SPENCER,**

**Plaintiff,**

**vs.**

**No. 9:21-CV-67-TH**

**COMMISSIONER OF SOCIAL  
SECURITY ADMINISTRATION,**

**Defendant.**

**ORDER ADOPTING REPORT AND RECOMMENDATION AND GRANTING  
APPLICATION FOR ATTORNEY'S FEES**

Before the court is the Plaintiff's Motion for Attorney Fees under the Equal Access to Justice Act, 28 U.S.C. § 2412. (Doc. #18.) The Commissioner's response stated that she was unopposed to the requested fee. (Doc. #19.) Judge Stetson recommended that the court grant the Plaintiff's application, and neither party filed objections to her Report and Recommendation. It is therefore

**ORDERED** that the Report and Recommendation Regarding Attorney Fees is **ADOPTED**. It is further

**ORDERED** that the Plaintiff's application for attorney's fees (Doc. #18) is **GRANTED** and the Commissioner of Social Security shall pay Alice J. Spencer, in care of her attorney, David F. Chermol, an attorney fee in the amount of \$7,200.00. This amount includes fees and compensation for 36 hours of service at \$125.00 per hour, plus an adjustment for increased costs of living consistent with the Consumer Price Index for the relevant time periods. The court directs that the award be mailed to Alice J. Spencer, in care of her attorney, David F. Chermol, at his office address, Chermol & Fishman, LLC, 11450 Bustleton Ave., Philadelphia, PA 19116. It is further

**ORDERED** that this award is subject to any beneficial, contractual and/or assignment-based interests held by the Plaintiff's attorney. If successful at the administrative level, the Plaintiff is granted an extension of sixty days from receipt of the Notice of Award from the Social Security Administration to file a motion for attorney's fees under 42 U.S.C. § 406(b).

**SIGNED** this the 30 day of **June, 2022**.

A handwritten signature in black ink, appearing to read "Thad Heartfield", written over a horizontal line.

Thad Heartfield  
United States District Judge